

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

) INFORMATION

Plaintiff,

FILED

4 : 22 CR 591

v.

OCT 05 2022

) CASE NO.

PHILIP M. BESHARA,
SAMUEL J. DECARIA,

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Title 18, United States Code,
Sections 1343 and 1349

Defendants.

JUDGE CALABRESE

GENERAL ALLEGATIONS

At all times material to this Information:

1. Defendant PHILIP M. BESHARA was a United States citizen and resident of the Northern District of Ohio.
2. Defendant SAMUEL J. DECARIA was a United States citizen and resident of the Northern District of Ohio.
3. B&B Contractors and Developers, Inc. ("B&B") was an Ohio-based company based in the Northern District of Ohio.
4. First National Bank was a Pennsylvania-based financial institution, as defined in Title 18, United States Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation.

COUNT 1

(Conspiracy to Commit Wire Fraud, 18 U.S.C. §§ 1343 and 1349)

The First Assistant United States Attorney charges:

5. From on or about March 3, 2006 through on or about September 26, 2016, in the Northern District of Ohio, Eastern Division and elsewhere, Defendants PHILIP M. BESHARA and SAMUEL J. DECARIA and others, known and unknown did: knowingly combine, conspire, confederate, and agree to devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, and attempting to do so, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, certain writings, signals, signs, pictures, and sounds: that is, to knowingly cause interstate wire communications to be made in furtherance of said scheme and artifice to defraud.

All in violation of Title 18, United States Code Section 1343.

OBJECT OF THE CONSPIRACY

6. It was the object of the conspiracy for BESHARA and DECARIA to enrich themselves by improperly withdrawing and diverting B&B funds to BESHARA.

MANNER AND MEANS OF THE CONSPIRACY

7. It was part of the conspiracy that:

8. BESHARA and DECARIA each participated in the planning and executing of the scheme to obtain money from B&B.

9. BESHARA, while serving as B&B's President, would issue, or cause others, including DECARIA, to issue, checks drawn from B&B's account at First National Bank. These checks were not issued as compensation for BESHARA's employment with B&B. BESHARA

would then either cash those checks or deposit, or cause others to deposit, the amounts associated with those checks into BESHARA's personal bank accounts.

10. It was also part of the conspiracy that BESHARA, while serving as B&B's President, oversaw the evaluation of invoices submitted by sub-contractors who worked on construction projects managed by B&B. BESHARA would cause others to inflate sub-contractors' invoices so that those subcontractors charged B&B an inflated amount for the subcontractors' work. After B&B paid those subcontractors the inflated amount, BESHARA then caused those subcontractors to issue checks for at least a portion of the inflated amount in a manner that allowed BESHARA to retain that money. BESHARA would then deposit, or cause others to deposit, those payments into one of BESHARA's personal bank accounts with First National Bank.

11. DECARIA, while overseeing B&B's accounting department, managed the financial accounts of B&B and knew of, allowed, facilitated, and failed to report BESHARA's fraudulent transactions.

ACTS IN FURTHERANCE OF THE CONSPIRACY

12. On or about the dates listed below, in the Northern District of Ohio and elsewhere, BESHARA and DECARIA, for the purpose of executing the conspiracy described above, caused the withdrawal transactions, as described below, to be issued from B&B's account:

Date of Check	Bank of Deposit/ Application	Payee	Account Number (last four digits)	Amount
May 22, 2007	First National Bank ("FNB")	First National Bank ("FNB")	9197	\$35,000.00
March 7, 2008	FNB	FNB	5120	\$80,000.00
May 16, 2008	FNB	FNB	9197	\$49,900.00
June 18, 2008	FNB	FNB	5120	\$35,000.00

July 18, 2008	FNB	FNB	5120	\$49,800.00
August 25, 2008	FNB	FNB	5120	\$65,000.00
December 7, 2009	FNB	FNB	5125	\$80,000.00
March 29, 2010	FNB	FNB	5125	\$50,000.00
April 23, 2010	FNB	FNB	5125	\$100,000.00
May 7, 2010	FNB	FNB	5125	\$16,000.00
June 2, 2010	FNB	FNB	5125	\$12,000.00
August 10, 2010	FNB	FNB	9197	\$5,000.00
September 10, 2010	FNB	FNB	5125	\$10,000.00
September 21, 2010	FNB	FNB	5125	\$3,500.00
September 23, 2010	FNB	FNB	9197	\$1,000.00
October 4, 2010	FNB	FNB	9197	\$5,000.00
October 7, 2010	FNB	FNB	5125	\$90,000.00
November 4, 2010	FNB	FNB	5125	\$68,488.95
November 10, 2010	FNB	FNB	9197	\$42,760.00
February 21, 2011	FNB	FNB	5125	\$4,000.00
February 21, 2011	FNB	FNB	5125	\$4,000.00
March 28, 2011	FNB	FNB	5125	\$50,000.00
May 12, 2011	FNB	FNB	5125	\$31,700.00
May 12, 2011	FNB	FNB	5125	\$38,400.00
July 26, 2011	FNB	FNB	5125	\$68,000.00
September 21, 2011	FNB	FNB	5125	\$75,000.00
October 27, 2011	FNB	FNB	5125	\$160,000.00
January 23, 2012	FNB	FNB	5125	\$12,500.00
March 5, 2012	FNB	FNB	5125	\$120,000.00
August 29, 2012	FNB	FNB	5125	\$28,000.00
September 27, 2012	FNB	FNB	5125	\$30,000.00
August 15, 2013	FNB	FNB	1510	\$30,000.00
September 16, 2013	FNB	FNB	1510	\$30,000.00
March 14, 2014	FNB	FNB	9197	\$7,500.00
April 7, 2014	FNB	FNB	9197	\$4,000.00
June 17, 2015	FNB	FNB	1510	\$5,000.00
August 10, 2015	FNB	FNB	1510	\$15,800.00
September 9, 2015	FNB	FNB	1510	\$6,000.00
September 22, 2015	FNB	FNB	5125	\$15,000.00
October 13, 2015	FNB	FNB	5125	\$15,000.00
November 12, 2015	FNB	FNB	1510	\$19,000.00
December 10, 2015	FNB	FNB	1510	\$15,000.00
January 7, 2016	FNB	FNB	1510	\$15,000.00
June 14, 2016	FNB	R.B.	9197	\$2,250.00

13. On or about the dates listed below, in the Northern District of Ohio and elsewhere, BESHARA and DECARIA, for the purpose of executing the conspiracy described above, caused the checks to be issued for amounts related to inflated invoices, as described below:

Date of Check	Bank of Deposit/ Application	Payee	Account Number (last four digits)	Amount
March 3, 2006	FNB	FNB	5120	\$3,800.00
April 4, 2006	FNB	FNB	5120	\$9,700.00
July 30, 2007	FNB	FNB	5120	\$28,000.00
March 7, 2008	FNB	FNB	5120	\$12,000.00
August 7, 2008	FNB	FNB	5120	\$12,500.00
September 17, 2008	FNB	FNB	5120	\$12,500.00
September 24, 2008	FNB	FNB	5120	\$12,500.00
November 13, 2008	FNB	FNB	5120	\$12,500.00
January 31, 2009	FNB	FNB	5120	\$7,000.00
February 19, 2009	FNB	FNB	5120	\$4,850.00
June 8, 2009	FNB	FNB	5125	\$10,000.00
December 8, 2009	FNB	FNB	5125	\$7,500.00
February 4, 2010	FNB	FNB	9197	\$5,000.00
May 4, 2010	FNB	FNB	9197	\$5,800.00
August 23, 2010	FNB	FNB	9197	\$4,000.00
January 7, 2011	FNB	FNB	5125	\$4,500.00
January 14, 2011	FNB	FNB	5125	\$3,000.00
February 15, 2011	FNB	FNB	5125	\$4,000.00
February 15, 2011	FNB	FNB	5125	\$4,900.00
March 18, 2011	FNB	PHILIP M. BESHARA	9197	\$4,225.00
March 31, 2011	FNB	FNB	9197	\$7,290.00
April 19, 2011	FNB	PHILIP M. BESHARA	9197	\$3,275.00
June 10, 2011	FNB	PHILIP M. BESHARA	9197	\$3,200.00
June 13, 2011	FNB	FNB	5125	\$5,000.00
July 13, 2011	FNB	PHILIP M. BESHARA	9197	\$4,500.00
August 22, 2011	FNB	PHILIP M. BESHARA	9197	\$5,100.00
September 21, 2011	FNB	FNB	5125	\$2,738.00
September 23, 2011	FNB	PHILIP M. BESHARA	9197	\$4,350.00
November 8, 2011	FNB	PHILIP M. BESHARA	9197	\$4,500.00
December 6, 2011	FNB	PHILIP M. BESHARA	9197	\$4,500.00
December 27, 2011	FNB	FNB	5125	\$3,750.00
March 15, 2012	FNB	PHILIP M. BESHARA	9197	\$4,000.00
May 30, 2012	FNB	PHILIP M. BESHARA	9197	\$2,000.00
July 16, 2012	FNB	PHILIP M. BESHARA	9197	\$4,850.00

August 28, 2012	FNB	PHILIP M. BESHARA	9197	\$4,000.00
May 1, 2012	FNB	PHILIP M. BESHARA	9197	\$2,000.00
September 13, 2012	FNB	FNB	5125	\$6,120.00
November 29, 2012	FNB	PHILIP M. BESHARA	9197	\$3,000.00
April 10, 2013	FNB	PHILIP M. BESHARA	9197	\$7,000.00
April 15, 2013	FNB	FNB	9197	\$14,130.00
November 8, 2013	FNB	FNB	1510	\$2,500.00
December 13, 2013	FNB	FNB	1510	\$4,989.00
March 13, 2014	FNB	FNB	1510	\$25,000.00
August 22, 2014	FNB	FNB	1510	\$3,000.00
October 3, 2014	FNB	FNB	1510	\$3,000.00
November 4, 2014	FNB	FNB	1510	\$30,000.00
June 18, 2015	FNB	PHILIP M. BESHARA	9197	\$7,000.00
August 13, 2015	FNB	FNB	1510	\$3,000.00
February 5, 2016	FNB	FNB	1510	\$7,800.00

All in violation of Title 18, United States Code, Section 1349.

COUNT 2
(Wire Fraud, 18 U.S.C. § 1343)

The First Assistant United States Attorney further charges:

14. Paragraphs 1 through 4 of this Information are re-alleged and incorporated by reference as it fully set forth herein.

THE SCHEME

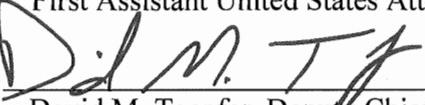
15. On or about June 14, 2016, Defendants PHILIP M. BESHARA and SAMUEL J. DECARIA devised and intended to devise a scheme to defraud B&B, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

EXECUTION OF THE SCHEME

16. On or about the date listed below, in the Northern District of Ohio and elsewhere, Defendants BESHARA and DECARIA, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below:

Date	Sender / Originating	Recipient / Location	Description
June 15, 2016	First National Bank, Youngstown, Ohio	First National Bank, Hermitage, Pennsylvania	\$2,250.00

All in violation of Title 18, United States Code, Sections 1343 and 2.

MICHELLE M. BAEPPLER
First Assistant United States Attorney
By: 
David M. Toepfer, Deputy Chief
Criminal Division